



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,199	11/01/2000	Jurgen Clemens	0745/62947/	5754

7590 07/28/2004

Norman H Zivin
Cooper & Dunham
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
----------	--------------

2681

13

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/646,199

Applicant(s)

CLEMENS ET AL.

Examiner

Sheila B. Smith

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman et al. (U. S. Patent Number 6,111,857).

Regarding claims 1, 5, 7, Soliman et al. discloses all of the claimed invention as set forth in the instant application, additionally Soliman et al. discloses a wireless network planning tool, further Soliman et al. discloses a method for automatically designing cellular mobile radio telephone networks, wherein, from network-related (which reads on population information) and space-related (which reads on terrain information) reference data (which reads on “the data stored in non-volatile memory includes an electronic representation of the geographic and other environmental information about a specific market area over which simulation of the operation of a wireless telecommunications system is to be performed” as disclosed in column 5 lines 60-64), and the space related data of their planning areas and the space related data of a new planning area (which reads on column 3 lines 27-30), a design of the cellular mobile radio telephone network or subnetwork for the new planning area is automatically generated by processing the relations between the space related reference and planning data and application of coordinate and angle transformations to the site coordinates of the base stations and main beam directions of the antennas of the base stations of the reference data (which reads on

Art Unit: 2681

column 7 lines 25-37). However, Soliman et al. fails to specifically disclose existing planning data of implemented, planned or abstract cellular mobile radio telephone networks or subnetworks.

The examiner contends, however that the use of existing planning data is well known in the art, and that the examiner takes official notice as such.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to modify Soliman et al. with the use of existing planning data for the purpose of importing the data into the program.

Regarding claims 2,4, Soliman et al. discloses everything claimed, as applied above (see claim 1) additionally, Soliman et al. discloses a method wherein the quality of the network design is assessed by quantifying the relations between space related reference and the space-related planning data of the new planning area (which reads on column 3 lines 27-30 and column 8 lines 45-47).

Regarding claim 3 Soliman et al. discloses everything claimed, as applied above (see claim 1) additionally, Soliman et al. discloses a method wherein the space related data of the new planning area are acquired, stored, tested and processed (which reads on 5 lines 60-64 and column 21 lines 15-27).

Regarding claim 6. Soliman et al. discloses everything claimed, as applied above (see claim 1) additionally, Soliman et al. discloses a method wherein, without necessary human intervention, for a mobile radio telephone network or subnetwork to be planned on a geographic area a real or abstract mobile radio telephone network or subnetwork on a real or abstract geographic area (6) is changed in the space related parameters (which reads on column 2 lines

Art Unit: 2681

10-22), site coordinates and antenna main beam directions and on the geographic area is substituted in the subnetwork to be planned by coordinate transformation of the geographic longitude, latitude and rotation with respect to the zero meridian at the precise instant when the features of the space related data of the geographic areas and are equal or are said to be equal in accordance with a particular criterion (which reads on column 71 lines 23-32).

Response to Arguments

2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 

July 25, 2004


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600